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JASON INGRASSIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,

Plaintiff,

vs.

JASON INGRASSIA, individually and in  
his official capacity; COUNTY OF  
CONTRA COSTA; and CITY OF SAN  
RAMON,

Defendants.

Case No. C07-02669 CRB

**DECLARATION OF NOAH G.  
BLECHMAN IN SUPPORT OF  
DEFENDANT JASON INGRASSIA'S  
OPPOSITION TO PLAINTIFF'S MOTION  
TO FILE [AN] EXPEDITED MOTION TO  
COMPEL RESPONSES TO FIRST SET OF  
DISCOVERY REQUESTS ON  
DEFENDANT INGRASSIA**

Date: August 22, 2008  
Time: 10:00 a.m.  
Dept: Courtroom 8, 19th Floor  
Judge: Hon. Charles Breyer

I, Noah G. Blechman, Esq., hereby declare:

1. I am an attorney at law duly licensed to practice before the courts of the State of California and am a partner at the law firm of McNamara, Dodge, Ney, Beatty, Slattery, Pfalzer, Borges & Brothers LLP; attorneys of record for Defendant JASON INGRASSIA. I have personal knowledge of each matter stated herein. I submit this declaration in support of Defendant JASON INGRASSIA'S ("Ingrassia") Opposition to Plaintiff Request to File [an] Expedited Motion to Compel Responses to First Set of Discovery Requests on Defendant Ingrassia.

2. Fact discovery in this matter has been open since at least October, 2007.

3. To date, Plaintiff has never noticed Ingrassia's deposition nor asked for dates for

DECLARATION OF NOAH G. BLECHMAN IN  
SUPPORT OF INGRASSIA'S OPPOSITION TO  
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1 his deposition.

2 4. On May 13, 2008, Jenny Huang, counsel for Plaintiff, served Plaintiff's First Set  
3 of Interrogatories and Document Requests on Ingrassia. Many of these interrogatories and  
4 requests sought confidential and/or privileged law enforcement personnel related records and/or  
5 information. Defendants therefore objected to answering Plaintiff's Interrogatories and  
6 Document Requests until the Court approved a stipulated protective order. These records and/or  
7 information were also not in Ingrassia's custody, possession and/or control and thus the  
8 documents and/or information were not produced by Ingrassia, but rather by the County, a  
9 separate Defendant.

10 5. On June 30, 2008, Defendants served Ingrassia's responses to Plaintiff's First Set  
11 of Interrogatories and Amended Document Requests.

12 6. On July 10, 2008, Defendant Contra County served Plaintiff with its Supplemental  
13 Production of Documents in Response to Plaintiff's First Set of Discovery Requests, Request  
14 Number Five. Personnel related documents responsive to this Request which were privileged  
15 and/or confidential were again withheld pending approval of a signed and filed protective order.

16 7. On July 16, 2008, Defendant Contra Costa County served Plaintiff with its  
17 Responses to Plaintiff's Second Set of Document Requests, including non-confidential documents  
18 responsive to those Requests. Confidential and/or privileged personnel related documents were  
19 again withheld pending approval of a signed and filed protective order.

20 8. On July 17, 2008, I notified Plaintiff's counsel, Ms. Huang, that Ingrassia would  
21 not stipulate to Plaintiff's request to shorten time to hear Plaintiff's Motion to Compel.

22 9. On July 18, 2008. Assistant County Counsel Gregory Harvey apparently advised  
23 Ms. Huang that Defendant Contra Costa County would not stipulate to Plaintiff's request to  
24 shorten time to hear Plaintiff's Motion to Compel.

25 10. On July 18, 2008, Defendant Contra County served Plaintiff with its Supplemental  
26 Responses to Plaintiff's Second Set of Document Requests. These documents included training  
27 file records for Ingrassia's POST academy classes. That same day, Defendant Contra Costa

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County also served Plaintiff with additional documents and compact discs supplementing its responses provided to Plaintiff on July 16, 2008.

11. On July 21, 2008, Defendant Contra County served Plaintiff with its Amended Responses to Plaintiff's Set of Document Requests, including confidential records produced pursuant to a protective order entered that same day. These confidential records included Ingrassia's personnel files, as well as the Internal Affairs investigation report regarding Plaintiff's complaint to the Contra Costa County Sheriff's Office.

12. On July 26, 2008, nine (9) days after I informed Ms. Huang that Ingrassia would not stipulate to Plaintiff's request to shorten time to hear Plaintiff's Motion to Compel, eight (8) days after Assistant County Counsel Gregory Harvey advised Ms. Huang that Defendant Contra Costa County would not stipulate to Plaintiff's request to shorten time to hear Plaintiff's Motion to Compel, and five (5) days after Plaintiff received confidential records including Ingrassia's personnel file and the Internal Affairs investigation relating to Plaintiff's complaint, Plaintiff filed and served his Notice of Plaintiff's Motion to File [an] Expedited Motion to Compel Responses to First Set of Discovery Requests on Defendant Ingrassia.

13. Fact discovery is scheduled to close in this matter on September 30, 2008.

I declare under penalty and perjury the foregoing is true and correct.

Executed this 30 day of July, 2008 at Walnut Creek, California.

By: \_\_\_\_\_

Noah G. Blechman, Declarant